

REMARKS

Applicants thank Examiner Nguyen for an indication that Claims 1-17 are allowed with respect to elected species Zr.

Claims 1-20 are pending.

Claims 1-17 are under consideration.

Claims 18-20 were previously withdrawn from consideration.

Claims 1 and 15-16 are currently amended to include a listing of foreign atoms that excludes Al, but includes Zr. Support for the amendments is found in original claim 2 and throughout the claims and specification as originally filed.

It is believed that no new matter will be added upon entry of the amendment.

Upon entry of the amendment claims 1 and 3-20 will remain pending.

The rejections under 35 U.S.C. § 103(a) over the disclosures of Fujii et al. (U.S. 5,720,806), Vanel (U.S. 5,852,099), and Materne et al. (U.S. 6,172,138) separately or taken together is obviated by amendment.

All three of these references exclusively disclose aluminum-doped silica. There is no suggestion to be found in any of these three references that leads to the assumption that aluminum might be substituted by any other foreign atom.

For instance, Fujii states that "the amorphous silica powder according to the present invention is required to contain 0.3 – 10% by weight of aluminium oxide" (col. 3, ll. 6-8). Moreover, Vanel reveals that the precipitated have "an aluminum content of at least 0.35% by weight" (col. 2, ll. 32-33). It is therefore obvious that the three cited references teach that aluminum is the atom of choice if doping of silica is intended. Additionally, these disclosures cite minimum amounts of aluminum are necessary to achieve the desired properties of the doped silica.

This is in contrast to the examples of the invention, which confirm that the silica of the invention possesses extraordinary properties even if no aluminum is present.

Accordingly, it is believed that the new claims that now exclude aluminum as a possible foreign atom are allowable in view of the cited references.

Finally, the Examiner's attention is directed to the passage in MPEP § 821.04, which states:

...if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

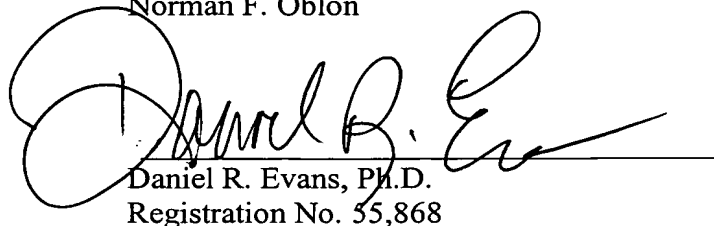
Since it is believed that claim 1 is now allowable, it is requested that the Examiner rejoin previously withdrawn claims 18-20.

Finally, it is requested that the Examiner **acknowledge** Applicants' claim to priority under 35 U.S.C. § 119(a)-(d); and provide Applicants with an indication that the Office has received a certified copy of Applicants' priority document, DE 100 62 449.9, which was filed on December 14, 2000. Applicants provided a certified copy, along with a proper claim to foreign priority, when the application was filed on December 14, 2001.

It is kindly requested that the Examiner allow claims 1-20 and pass this application to issue. If there is any outstanding issue that can be resolved prior to allowance, it is requested that the Examiner contact the undersigned individual by telephone.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



Daniel R. Evans, Ph.D.  
Registration No. 55,868

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220